

# POLICY BRIEF

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**Harvard**  
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A Division of the Center for Health Law and Policy Innovation

This policy brief, published by the Harvard Food Law and Policy Clinic (FLPC), offers five specific recommendations for how the next Child Nutrition Reauthorization can strengthen key provisions of the 2010 Healthy, Hunger-Free Kids Act and continue to make smart investments in the nutrition and health of America's next generation:

1. Increase participation in the National School Lunch and School Breakfast programs
2. Preserve the advances in nutrition standards mandated in the 2010 Healthy, Hunger-Free Kids Act and subsequent regulations
3. Increase reimbursement rates for meals
4. Expand funding for farm-to-school programs
5. Provide grants for school kitchen equipment, infrastructure, and staff training programs

## CHILD NUTRITION ACT REAUTHORIZATION 2015/16: **SCHOOL FOOD**

The Child Nutrition Reauthorization Act authorizes all federal child nutrition programs, including the National School Lunch Program (NSLP), School Breakfast Program (SBP), Summer Food Service Program (SFSP), Supplemental Nutrition Program for Women, Infants, and Children (WIC), and Child and Adult Care Food Program (CACFP), among others. This Act is reauthorized every five years and the current Act, the Healthy, Hunger-Free Kids Act of 2010 (HHFKA), expired on September 30, 2015. Through a continuing resolution, the Act continued and is now up for reauthorization in 2016.

As Congress considers the 2016 Child Nutrition Reauthorization (2016 CNR), the Harvard Food Law and Policy Clinic (FLPC) writes this policy brief identifying opportunities to continue to strengthen nutrition standards and access to school food. FLPC, a division of the Center for Health Law and Policy Innovation of Harvard Law School, is an experiential teaching program that provides law students with opportunities to counsel clients and communities on various food law and policy issues. FLPC strives to increase access to healthy foods, assist small-scale and sustainable farmers in breaking into new commercial markets, and reduce waste of healthy, wholesome food.

FLPC supports full and continuous funding for all nutrition programs under the CNR. Cumulatively, these programs are an essential source of nutrition for over 40 million children, starting as early as at birth and lasting through high school.<sup>1</sup> WIC alone serves more than half of all infants born in the U.S.<sup>2</sup> While this brief focuses on school food, the goals behind the recommendations below are applicable to other child nutrition programs. CNR provides crucial support for children and families and the 2016 legislation should support full funding and high nutrition standards across its programs.

This brief builds on FLPC's extensive policy work related to school food. Over the past few years, FLPC has studied the impact of the USDA Foods program on school meals in Massachusetts<sup>3</sup> and issued school food policy recommendations to reduce the incidence and burden of type 2 diabetes.<sup>4</sup> In a forthcoming School Food Toolkit, FLPC recommends high-impact interventions that can be taken at the state and local level to improve access to quality food in schools and encourage food literacy. This policy brief builds on our research and learning across these projects and suggests the key areas that must be included the next Child Nutrition Reauthorization in order to ensure children receive nutritious meals in order to improve their health and ability to learn.

The school setting plays a critical role in childhood nutrition on a number of counts. For the first time in U.S. history, the majority of children attending the nation's public schools

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qualify for free and reduced-price school meals.<sup>5</sup> Among children who receive free and reduced-price meals, over half their daily calories are consumed at school.<sup>6</sup> Moreover, for many of these children, consuming school meals is not a choice but a necessity. While children from low-income households are more likely to face food insecurity<sup>7</sup> and develop diet-related diseases,<sup>8</sup> school meals can counteract these trends.<sup>9</sup> In addition, research shows that we develop our eating habits and preferences early in life.<sup>10</sup> Introducing children to healthier foods and habits when they are school-age increases the likelihood that they will consume healthier diets throughout their lives.<sup>11</sup> Congress even highlighted this key educational component of school meals in its initial authorization of NSLP.<sup>12</sup>

Children deserve nutritious food. An insufficient and unhealthy diet as a child is associated with an increased risk of negative health outcomes, such as obesity and obesity-related diseases,<sup>13</sup> stunted physical growth,<sup>14</sup> and impaired emotional and cognitive development.<sup>15</sup> A sufficient and healthy diet not only mitigates these risks, but also leads to positive educational outcomes, such as improved classroom and academic performance,<sup>16</sup> decreased behavioral problems,<sup>17</sup> and decreased absenteeism.<sup>18</sup> No child should be denied the possibility of a healthy, productive life because of the food that they are consuming in school.

To ensure future generations of healthy Americans, FLPC asks that the 2016 CNR:

- (1) increase participation in the National School Lunch and School Breakfast programs;
- (2) preserve the advances in nutrition standards mandated in the 2010 Healthy, Hunger-Free Kids Act (HFFKA) and subsequent regulations;
- (3) increase reimbursement rates for meals;
- (4) expand funding for farm-to-school programs; and
- (5) provide grants for school kitchen equipment, infrastructure, and staff training programs.

Each of our priorities for the 2016 CNR is described in more detail below.

## **1. INCREASE PARTICIPATION IN THE NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS**

During fiscal year (FY) 2014, 30.5 million students participated in the NSLP, with 21.7 million students receiving free and reduced-price lunch.<sup>19</sup> Yet, an estimated 3.8 million eligible student are not receiving free and reduced-price lunch.<sup>20</sup> SBP participation rates are even lower. Although

the eligibility criteria for the SBP are the same as that for the NSLP, only 13.6 million students participated in the SBP during FY 2014, with 11.6 million students receiving free and reduced-price breakfast.<sup>21</sup> For every 100 low-income students who participated in the NSLP, only 53 participated in the SBP.<sup>22</sup>

Recent reports about NSLP participation rates reveal trends that further underscore the need to increase participation. From school year (SY) 2010-2011 through SY 2013-2014, total participation dropped by a cumulative 1.4 million students.<sup>23</sup> This net decrease has been driven by a decline in the number of students who pay full price for lunch (paid lunch), which dropped by a cumulative 2 million students.<sup>24</sup> The 2016 CNR should aim to increase participation across all income categories and, moreover, prioritize universal meals as they negate any price sensitivity and ensure that all students have access to nutritious school meals.

Increasing participation in school meals achieves two key goals. First, more students get the food that they need to thrive. Second, higher participation across all income categories generates more reimbursement revenue and allows school food authorities to operate more efficiently. For both breakfast and lunch, the average cost to schools declines as the number of meals served increases.<sup>25</sup> The HFFKA contained important new programs to support universal meals in schools. The 2016 CNR should build on the success of these programs in taking the following measures:

### **Strengthen and expand direct certification**

Traditionally, students were certified as eligible for school meals using paper application forms sent home to their parents. However, in recent years, efforts have been made to simplify the certification process for students, families, and schools. Direct certification is the process by which students are certified as eligible for free meals through computer matching of means-tested program records and school enrollment lists. Students are categorically eligible for free meals if they live in households that receive Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), or Food Distribution on Indian Reservations (FDPIR) benefits.<sup>26</sup> However, under current law, SNAP is the only means-tested program that states and school districts are *required* to use for direct certification.<sup>27</sup>

The 2016 CNR should require direct certification through TANF and FDPIR. Direct certification reduces the application burden on parents and schools, resulting in increased participation and administrative savings.<sup>28</sup> Yet, in SY 2013-2014, nearly 1.7 million categorically eligible children were

certified through paper applications or letters sent by state agencies that were then forwarded school districts (the letter method).<sup>29</sup> This paperwork needlessly burdens families and school districts, while increasing the likelihood of error or of students being left out of meal programs.

The 2016 CNR should also expand categorical eligibility, along with direct certification, to include Medicaid. The HHFKA required the USDA to initiate demonstration projects that directly certify students through Medicaid.<sup>30</sup> Currently, students in households receiving Medicaid are not categorically eligible for free meals, but the Direct Certification-Medicaid (DC-M) demonstration authorizes select states and districts to use data from Medicaid to directly certify children for free meals if household income is less than 133 percent of the federal poverty line.<sup>31</sup> An estimated 3.6 million school age children live in households with income below this limit and receive Medicaid benefits, but not SNAP or TANF.<sup>32</sup> An initial evaluation of DC-M found that it has a statistically significant impact on the percentage of free meals (+1.9 and +3.0 percentage points for lunch and breakfast, respectively).<sup>33</sup> Expanding direct certification to include Medicaid has the potential to increase the number of children receiving free meals, thereby increasing NSLP and SBP revenue for school food authorities. It also offers an opportunity to directly invest in the health of children whose healthcare costs will be borne by this federal program, by ensuring that they have access to the nutritious foods that can keep them healthy.

Expanding direct certification would also bolster implementation of the Community Eligibility Provision (CEP). CEP makes it possible for schools in high-poverty areas to provide free breakfast and lunch to all students.<sup>34</sup> In order to qualify for CEP, a school must meet a minimum level (40%) of students who are identified as eligible for free meals through means other than individual household applications.<sup>35</sup> These “identified students” are primarily students who are directly certified.<sup>36</sup> The percentage of identified students is multiplied by a factor of 1.6 to determine the percentage of meals reimbursed at the free rate, with the remaining percentage reimbursed at the paid rate.<sup>37</sup> Expanding direct certification would increase overall numbers of identified students, making it easier for schools to meet the 40% CEP threshold.<sup>38</sup> A higher percentage of identified students would also mean a higher percentage of meals that are reimbursed at the free rate, yielding more revenue for schools.<sup>39</sup>

### **Eliminate the reduced-price meal category**

The 2016 CNR should increase the income limit for free meals to include households with income at or below

185% of the federal poverty line, eliminating the reduced-price meal category altogether. Currently, students from households with income between 130% and 185% of the federal poverty line must pay up to 30 cents for breakfast and 40 cents for lunch.<sup>40</sup> These copayments are prohibitive for many families and eliminating them would increase participation in the NSLP and SBP.<sup>41</sup> Increased participation would, in turn, generate more revenue for schools. Many states and districts are ahead of the curve in eliminating the reduced price meal category and they report numerous benefits, including increased participation in the NSLP and SBP, increased funding through federal reimbursements, decreased administrative burden on district staff, and improvements in satisfaction with school meals.<sup>42</sup>

### **Incentivize programs that increase participation in the School Breakfast Program**

Studies have found that students who eat breakfast experience a range of positive outcomes, including a decreased risk of obesity,<sup>43</sup> reduced behavioral issues,<sup>44</sup> and improved classroom performance.<sup>45</sup> However, participation in the SBP remains low; during SY 2013-2014, only 53% of students who participated in the NSLP also participated in the SBP.<sup>46</sup> Many students are simply not eating breakfast.<sup>47</sup> As compared to the NSLP, the SBP faces some additional, unique challenges. First, students cannot always make it to school in time to eat breakfast in the cafeteria before the bell.<sup>48</sup> Students sometimes forgo breakfast to avoid the stigma of participating in a program for low-income students.<sup>49</sup> Finally, some schools may not serve breakfast; currently, 10% of schools participating in the NSLP do not participate in the SBP.<sup>50</sup>

The 2016 CNR should provide financial incentives for programs that boost participation in the SBP, ensuring that more children are able to eat breakfast. Research and experience have demonstrated two strategies, in particular, to be enormously successful in overcoming barriers and increasing overall participation: 1) providing universal breakfast and/or 2) serving breakfast after the bell through programs such as “grab and go breakfast,” “second chance breakfast,” “and “breakfast in the classroom.”<sup>51</sup> Providing free breakfast to all students (universal breakfast) mitigates the challenges of stigma, while serving breakfast after the bell eliminates some of the logistical challenges.<sup>52</sup> Evidence suggests that a combination of the two programs – serving universal free breakfast after the bell – has the most significant impact on participation.<sup>53</sup> Other benefits include improved student behavior and attentiveness, increased test scores, and reduced tardiness, absenteeism, and suspensions.<sup>54</sup>

Despite the success of these strategies, they can be difficult to implement because of the start-up costs associated with training, personnel, and new equipment.<sup>55</sup> The 2016 CNR should authorize grants designed to assist schools in implementing universal breakfast, breakfast after the bell, and other creative solutions that will increase overall SBP participation.

## **2. PRESERVE THE ADVANCES IN NUTRITION STANDARDS MANDATED IN THE 2010 HHFKA**

The HHFKA and its implementing regulations updated the nutrition standards for all school foods for the first time in 15 years. The HHFKA standards have increased the servings for fruits, vegetables, and whole grains, while setting limits on fats, sugars, and sodium.<sup>56</sup> The HHFKA standards also set a limit on total calories per average meal for the first time.<sup>57</sup> Over the past five years, the standards have been phased in gradually and some key standards, such as the whole grain requirement, have only gone into full effect more recently. Nevertheless, preliminary data suggests that the standards are serving their intended purpose and bringing healthier meals to school-age children.<sup>58</sup> It is critical that the 2016 CNR maintain the HHFKA nutrition standards in order to encourage healthier eating habits and prevent diet-related disease.

Nationwide, school meals are more nutritious as a result of the standards. A CDC study looking at school nutrition services practices for the years 2000, 2006, and 2014, found that, while meals have been getting healthier, the biggest changes occurred after the implementation of the new standards.<sup>59</sup> For example, the percentage of schools serving more than two non-fried vegetables for lunch increased by less than 2% between 2000 and 2006, but by more than 15% between 2006 (63.4%) and 2014 (79.4%).<sup>60</sup> Likewise, the percentage of schools using seasonings other than salt increased by less than 10% between 2000 and 2006, but by more than 25% between 2006 (39.2%) and 2014 (65.1%).<sup>61</sup>

Recent studies have found that children are not only being served healthier meals, but they are also consuming them. Two other pre/post studies, one led by the Harvard School of Public Health and one by the Rudd Center for Food Policy and Obesity, found that students are now selecting and consuming healthier options.<sup>62</sup> After the standards went into effect, the percentage of students selecting a fruit significantly increased; the studies reported increases of 23%<sup>63</sup> and 17%,<sup>64</sup> respectively. The Rudd Center study also showed a significant increase (18%) in the percentage of students consuming vegetables.<sup>65</sup> Furthermore, both studies found that, while plate waste remains high, the standards

did not increase overall plate waste and even decreased plate waste for entrée and vegetable meal components.<sup>66</sup>

School meals shape children's health in both the short and long-term. This is particularly important today, when over one-third of children and adolescents are overweight or obese.<sup>67</sup> These children are more likely to develop numerous acute and chronic health problems, including cardiovascular disease, heart disease, and type 2 diabetes.<sup>68</sup> School meals have a direct impact on children's nutrition: those participating in school meals programs consume half of their daily calories at school.<sup>69</sup> While unhealthy school meals have been shown to increase children's risk for obesity, healthy school meals can reduce this risk.<sup>70</sup> Moreover, what children eat in school can influence what they eat for the rest of their lives, as eating habits and preferences are formed early in life.<sup>71</sup> Ultimately, encouraging healthier eating through strong nutrition standards can reduce a child's lifetime risk for obesity and diet-related disease.

Strong nutrition standards can also reduce income-based health disparities. Overall, children from low-income households account for a significant majority of those consuming school meals: 72% in the NSLP and 85% in the SBP.<sup>72</sup> Not only are children from food-insecure households more likely to consume school meals, but they also receive more of their total food and nutrient intake from these meals.<sup>73</sup> Low-income, food insecure children face the greatest risk of becoming overweight and obese.<sup>74</sup> Unhealthy school meals can exacerbate this risk, deepening income-based health disparities.<sup>75</sup> At the same time, healthy school meals are particularly effective at increasing fruit and vegetable consumption among children from low-income households.<sup>76</sup>

As of June 2015, 97% of schools are meeting the new nutrition standards.<sup>77</sup> While implementation has presented new challenges for school food authorities, it is important not to let initial, largely logistical hurdles impede the goal of healthier children and future generations. A recent national survey found that 90% of Americans support the HHFKA nutrition standards.<sup>78</sup> Medical experts, parents, and school food advocates, in particular, support the standards and call on Congress to maintain them.<sup>79</sup> In addition, school administrators report that students generally like the standards; in a national study of elementary school principals and foodservice managers, the majority of respondents agreed (63%) or strongly agreed (7%) that "Students generally seem to like the new school lunch."<sup>80</sup>

### 3. INCREASE REIMBURSEMENT RATES FOR MEALS

The NSLP and SBP provide per meal cash reimbursements to schools across the United States. These reimbursements constitute the bulk of USDA funding, though the USDA Foods Program also provides the NSLP with in-kind food donations, which make up 15-20% of the food served.<sup>81</sup> Federal reimbursement rates for meals are set by legislation and adjusted annually for inflation in accordance with the Consumer Price Index for Food Away from Home (CPI-FAFH).<sup>82</sup> These annualized adjustments reflect generalized increases in food, labor, and overhead costs, but do not necessarily reflect all of the costs associated with operating a school meal program.<sup>83</sup> In order to meet the basic needs of school food authorities and ensure the viability of the HHFKA nutrition standards, the 2016 CNR should increase the baseline reimbursement rates for both breakfast and lunch by \$0.30 over the next three years, or by \$.10 per year. This increase would be in addition to annualized adjustments for inflation.

School meals have long been under-funded. Following cuts to federal reimbursement rates in the early 1980s, school food authorities faced budgetary pressures that have continued over the past thirty years as cost increases have outpaced reimbursement rates.<sup>84</sup> Ten years ago, the USDA's comprehensive School Lunch and Breakfast Cost Study found that the average cost per reimbursable lunch was \$0.40 higher than the reimbursement rate.<sup>85</sup> This trend has only continued. Between SY 2007-2008 and SY 2008-2009, school nutrition budgets increased by \$0.27 per lunch while the reimbursement rate increased by only \$0.10.<sup>86</sup> In the years immediately before the HHFKA nutrition standards took effect, 20% of school districts were not breaking even.<sup>87</sup>

The HHFKA nutrition standards have put additional strain on the NSLP and SBP.<sup>88</sup> The USDA estimates that implementation of the standards will cost school districts an additional \$3.2 billion from FY 2012 through FY 2016 as a result of absorbing the new food and labor costs.<sup>89</sup> For FY 2015, the estimated increases in cost are equivalent to approximately \$0.10 per reimbursable lunch and \$0.27 per reimbursable breakfast.<sup>90</sup> However, the HHFKA provided only a \$0.06 performance-based increase per lunch for compliance with the new standards.<sup>91</sup> Using the USDA's own cost estimates for 2015, an increase of \$0.06 per lunch covers less than a quarter of the cost of implementing the standards. Though school food authorities are certified based on their compliance with standards for lunch and breakfast, there is currently no performance-based increase for breakfast.<sup>92</sup>

The 2016 CNR should increase federal reimbursement rates

to ensure that all schools are able to serve healthy, delicious meals. In a recently released report, the Congressional Budget Office (CBO) noted that increasing reimbursement rates by \$0.10 across all income categories for both the NSLP and SBP would enable schools to 1) better meet the costs of providing meals to students; 2) comply with the HHFKA nutrition standards; and 3) offer higher-quality foods.<sup>93</sup> The CBO estimates that this increase would cost the government an additional \$10.2 billion over the next ten years.<sup>94</sup> While this represents a sizable increase in federal spending, it pales in comparison to the estimated \$14.3 billion annual direct cost of childhood obesity.<sup>95</sup> Investing in healthy school meals can help to keep kids healthy while they are young and over their lifetimes.

### 4. EXPAND FARM-TO-SCHOOL PROGRAMS

The 2016 CNR should build on the successes of the USDA's Farm to School Program and increase funding for farm to school grants. Farm to school programs produce numerous benefits for students, schools, and communities. These programs help schools meet the nutrition standards by providing access to nutritious, high-quality local foods.<sup>96</sup> Additional benefits for schools and students include improved eating habits,<sup>97</sup> improved school performance,<sup>98</sup> and reduced food waste.<sup>99</sup> Farm to school programs also strengthen local communities—by connecting school cafeterias to local farmers, farm to school programs keep money in the community, stimulating local economies and promoting local jobs.<sup>100</sup>

The USDA Farm to School Program is currently funded to award up to \$5 million each year in competitive grants to help schools purchase local foods and expand access to educational agriculture and gardening activities.<sup>101</sup> However, interest in farm to school programming has grown rapidly in recent years and the demand for these USDA grants greatly exceeds available funding. From FY 2013 to FY 2015, the Farm to School Grant Program received a total of 1,067 applications, but awarded only 221 grants.<sup>102</sup> The 2016 CNR should expand the USDA Farm to School Program by incorporating the provisions of the bipartisan 2015 Farm to School Act (Senate bill 569 and House bill 1061). The Act promises to meet some of the growing demand for farm to school programs by increasing the annual mandatory funding for the Farm to School Grant Program from \$5 million to \$15 million annually.<sup>103</sup>

Additionally, the proposed legislation would 1) expand the scope of the grant program to include summer food service sites, afterschool programs, and early childcare education settings; 2) identify and eliminate regulatory

and other administrative barriers to farm to school efforts; 3) encourage farm to school partnerships between tribal schools and tribal producers; and 4) provide technical assistance to producers, including socially disadvantaged farmers and ranchers.<sup>104</sup>

## **5. INCREASE GRANTS FOR SCHOOL KITCHEN EQUIPMENT, INFRASTRUCTURE, AND STAFF TRAINING PROGRAMS**

The 2016 CNR should ensure that schools have the resources that they need to implement the HHFKA standards and improve the nutrition and quality of school meals on into the future. Many schools report preparing more foods from scratch in order to comply with the HHFKA standards.<sup>105</sup> Preparing foods from scratch is healthier, but often requires additional equipment and staff training.<sup>106</sup> A 2012 survey found that 88% of school food authorities needed at least one additional piece of kitchen equipment to meet the new standards.<sup>107</sup> In addition, the new equipment may require improvements to school infrastructure; for example, the installation of a walk-in refrigerator will often require an upgrade to a school's electrical system.<sup>108</sup> On average, urban schools report needing an additional \$88,000 of kitchen equipment to meet the new nutrition standards,<sup>109</sup> while rural and suburban schools require an additional \$65,000 in equipment.<sup>110</sup> The majority of districts do not have sufficient financial resources to make the necessary equipment and infrastructure improvements.<sup>111</sup>

Schools also require additional staff training to effectively implement the standards and serve healthier meals. In a 2012 survey of 3,372 school food authorities, 64% of respondents reported the need to train staff as a challenge to meeting the nutrition standards.<sup>112</sup> School food authorities identified their top training needs as completing paperwork (69%), developing menus (68%), basic cooking skills (58%), and basic nutrition (55%).<sup>113</sup> In 2016, the USDA finalized a rule establishing minimum professional standards and annual professional training requirements for food service staff.<sup>114</sup> However, this mandate will have to come with additional resources as schools have already been struggling to meet their most basic training needs. A national survey conducted during SY 2012-2013 found that only 37% of school food authorities had budgets for staff development and training and, of those with training budgets, two-thirds reported that their budgets were insufficient to meet their training needs.<sup>115</sup>

The 2016 CNR should provide increased funding for grant programs that provide schools with the equipment, infrastructure, and staff support necessary to serve

healthier meals. In both 2014 and 2015, the USDA awarded \$25 million to states agencies to help schools purchase additional kitchen equipment.<sup>116</sup> The USDA also awards up to \$5.5 million annually for staff training through its Team Nutrition Initiative.<sup>117</sup> These grant programs should be expanded to respond to the widespread need, articulated by schools themselves, for greater support in implementing the HHFKA standards. As some schools will need to construct new facilities or significantly expand existing ones, the 2016 CNR should also create a loan assistance program within the USDA to support schools in receiving external financing for their infrastructure needs.<sup>118</sup> Such a program would come at little cost to the federal government and make it possible for individual schools to make larger, longer-term investments in their nutrition programs.

### **THE 2016 CNR MUST CONTINUE TO INVEST IN HEALTHIER SCHOOL MEALS FOR ALL CHILDREN.**

School meals have the potential to transform the health of the next generation. By providing children with nutritious foods and developing their tastes for those foods, school meals can help to reverse the national trends of obesity and diet-related disease. School meals also support the cognitive development of children, ensuring that they have the nutrition that they need to succeed both inside and outside of the classroom.

The 2010 Healthy, Hunger-Free Kids Act took many important, much-needed steps towards aligning school meals with nutritional science and ensuring that children are able to access those meals. However, this work is far from complete. FLPC draws from its research and experience with school food policy at all levels (local, state, and federal) and urges Congress to 1) increase participation in the NSLP and SBP; 2) preserve the 2010 HHFKA nutrition standards; 3) increase reimbursement rates for meals; 4) expand funding for farm-to-school programs; and 5) provide grants for school kitchen equipment, infrastructure, and staff training. Collectively, these measures will ensure that school meals are not only nutritious for students, but also feasible for schools.

FLPC also reiterates its support for full and continuous funding for all child nutrition programs authorized under the CNR. In particular, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the Child and Adult Care Food Program (CACFP), and the Summer Food Service Program (SFSP) serve as a critical source of nutrition for millions of children. Each program has a crucial role to play in ensuring the health of the next generation, and the success of these programs can further bolster nutritional gains made through the NSLP and SBP.

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## AUTHORS AND ACKNOWLEDGEMENTS

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## ENDNOTES

- 1 This number is based on aggregate data from three distinct federal child nutrition programs: WIC, CACFP, and the NSLP. While there may be some overlap in participation between these three programs, they primarily target distinct age groups – infants, preschool-age children, and school-age children. In FY 2014, WIC served 8.3 million participants and CACFP and the NSLP served 1.9 million children and 30.5 million children, respectively. See *WIC Program National Level Annual Summary*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <http://www.fns.usda.gov/sites/default/files/pd/wisummary.pdf>; *NSLP National Level Annual Summary*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <http://www.fns.usda.gov/sites/default/files/pd/slsummar.pdf>; *CACFP National Level annual Summary*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <http://www.fns.usda.gov/sites/default/files/pd/ccsummar.pdf>.
- 2 *About WIC*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <http://www.fns.usda.gov/wic/about-wic-wic-glance> (last visited Dec. 22, 2015).
- 3 See HARVARD FOOD LAW & POLICY CLINIC, USDA FOODS IN MASSACHUSETTS SCHOOLS (2013), <http://www.chlpi.org/wp-content/uploads/2013/12/USDA-Foods-in-Massachusetts-FINAL.pdf>.
- 4 See HARVARD CENTER FOR HEALTH LAW & POLICY INNOVATION, BEATING TYPE 2 DIABETES: RECOMMENDATIONS FOR FEDERAL POLICY REFORM (2015), [http://www.diabetespolicy.org/wp-content/uploads/2014/06/PATHS-Beating-Type-2-Diabetes-Recommendations-for-Federal-Policy-Reform-Report\\_FINAL.pdf](http://www.diabetespolicy.org/wp-content/uploads/2014/06/PATHS-Beating-Type-2-Diabetes-Recommendations-for-Federal-Policy-Reform-Report_FINAL.pdf).
- 5 SOUTHERN EDUC. FOUND., A NEW MAJORITY: LOW INCOME STUDENTS NOW A MAJORITY IN THE NATION'S PUBLIC SCHOOLS 2 (2015), <http://www.southerneducation.org/getattachment/4ac62e27-5260-47a5-9d02-14896ec3a531/A-New-Majority-2015-Update-Low-Income-Students-Now.aspx>.
- 6 See Ronette Briefel et al., *Consumption of Low-Nutrient, Energy-Dense Foods and Beverages at School, Home, and Other Locations Among School Lunch Participants and Nonparticipants*, 109 J. AM. DIETETIC ASS'N 579, S83 (2009).
- 7 ALISHA COLEMAN-JENSEN ET AL., U.S. DEP'T OF AGRIC. ECON. RESEARCH SERV., FOOD INSECURITY IN HOUSEHOLDS WITH CHILDREN 15-16 (2013), <http://www.ers.usda.gov/media/1120651/eib-113.pdf>.
- 8 See Joseph Skelton et al., *Prevalence and Trends of Severe Obesity Among U.S. Children and Adolescents*, 9 ACADEMIC PEDIATRICS 322 (2009); Diana Grigsby-Toussaint et al., *Neighborhood Socioeconomic Change and Diabetes Risk*, 33 DIABETES CARE 1065 (2010); Mohammed Ali et al., *Household Income and Cardiovascular Disease Risks in U.S. Children and Young Adults*, 34 DIABETES CARE 1998 (2011).
- 9 See ELIZABETH POTAMITES & ANNE GORDON, MATHEMATICA POL'Y RES., CHILDREN'S FOOD SECURITY AND INTAKES FROM SCHOOL MEALS (2010), <http://naldc.nal.usda.gov/download/42320/PDF>; Daniel Taber et al., *Association Between State Laws Governing School Meal Nutrition Content and Student Weight Status*, 167 JAMA PEDIATRIC 513 (2013), <http://www.ncbi.nlm.nih.gov/pubmed/23567869>.
- 10 See Alison Ventura & John Worobey, *Early Influences on the Development of Food Preferences*, 23 CURRENT BIOLOGY R401 (2013); Leann Birch, *Development of Food Preferences*, 19 ANN. REV. NUTRITION 41 (1999).
- 11 See Julie Mennella, *Ontogeny of Taste Preferences: Basic Biology and Implications for Health*, 99 AM. J. CLIN. NUTRITION 704S (2014).
- 12 H.R. REP. NO. 79-3370 (1945) ("The educational features of a properly chosen diet served at school should not be under-emphasized. Not only is the child taught what a good diet consists of, but his parents and family likewise are indirectly instructed.").
- 13 See David Ludwig et al., *Relation Between Consumption of Sugar-Sweetened Drinks and Childhood Obesity: A Prospective, Observational Analysis*, 357 LANCET 505, 507 (2001); David Freedman et al., *Cardiovascular Risk Factors and Excess Adiposity Among Overweight Children and Adolescents: The Bogalusa Heart Study*, 150 J. PEDIATRICS 12, Table II (2007); Chaoyang Li et al., *Prevalence of Pre-Diabetes and Its Association with Clustering of Cardiometabolic Risk Factors and Hyperinsulinemia Among U.S. Adolescents*, 32 DIABETES CARE 342, 345 (2009).
- 14 See Katherine Alaimo et al., *Food Insecurity and American School-Aged Children's Cognitive, Academic, and Psychosocial Development*, 108 PEDIATRICS 44, 48-49 (2001).
- 15 *Id.* at 46-48.
- 16 See Larry Howard, *Does Food Insecurity at Home Affect Non-Cognitive Performance at School? A Longitudinal Analysis of Elementary Student Classroom Behavior*, 30 ECON. EDUC. REV. 157 (2011); Michelle Florence et al., *Diet Quality and Academic Performance*, 78 J. SCH. HEALTH 209 (2008); Diana Jyoti et al., *Food Insecurity Affects School Children's Academic Performance, Weight Gain, and Social Skills*, 135 J. NUTRITION 2831 (2005); Jane Edwards et al., *Relationship of Nutrition and Physical Activity Behaviors and Fitness Measures to Academic Performance for Sixth Graders in a Midwest City School District*, 81 J. SCH. HEALTH 65 (2011); JANINA GALLER, NUTRITION AND BEHAVIOR 106-09 (2013).
- 17 See Maria Melchior et al., *Food Insecurity and Children's Mental Health: A Prospective Birth Cohort Study*, 7 PLOS ONE e52615 (2012); Ronald Kleinman, *Hunger in Children in the United States: Potential Behavioral and Emotional Correlates*, 101 PEDIATRICS 3 (1998); Gordon Millichap & Michelle Yee, *The Diet Factor in Attention-Deficit/Hyperactivity Disorder*, 129 PEDIATRICS 330 (2012).
- 18 See Liping Pan et al., *The Association of Obesity and School Absenteeism Attributed to Illness or Injury Among Adolescents in the United States, 2009*, 52 J. ADOLESCENT HEALTH 64 (2013); CTRS. DISEASE CONTROL & PREVENTION, SCHOOL HEALTH GUIDELINES TO PROMOTE HEALTHY EATING AND PHYSICAL ACTIVITY (2011), <http://www.cdc.gov/mmwr/pdf/rr/rr6005.pdf>.
- 19 *NSLP National Level Annual Summary*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., *supra* note 2.
- 20 Public school enrollment for SY 2012-2013 was 49.8 million. *Public School Enrollment*, NAT'L CTR. FOR EDUC. STAT., [http://nces.ed.gov/programs/coe/indicator\\_cga.asp](http://nces.ed.gov/programs/coe/indicator_cga.asp) (last visited Dec. 11, 2015).
- 21 *SBP National Level Annual Summary*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., *supra* note 2.
- 22 FOOD RES. & ACTION CTR., SCHOOL BREAKFAST REPORT CARD: 2013 – 2014 SCHOOL YEAR 4 (2015), [http://frac.org/pdf/School\\_Breakfast\\_Scorecard\\_SY\\_2013\\_2014.pdf](http://frac.org/pdf/School_Breakfast_Scorecard_SY_2013_2014.pdf).
- 23 U.S. GOV'T ACCOUNTABILITY OFF., GAO- 15-656, SCHOOL NUTRITION: USDA HAS EFFORTS UNDERWAY TO HELP ADDRESS ONGOING CHALLENGES IMPLEMENTING CHANGES IN NUTRITION STANDARDS 11 (2015), <http://www.gao.gov/assets/680/672477.pdf>.
- 24 While the number of students receiving free lunch has increased, it has not kept pace with the decline in paid lunch. *Id.* at 13. It is important to note that the decline in paid lunch participation is not a post-HHFKA phenomenon; rather, it began with the 2008 recession and has continued over the past seven years. The decline is, therefore, likely the result of increased free and reduced-price eligibility along with price sensitivity, as lunch prices have risen more sharply during this time. See FOOD RES. & ACTION CTR., NATIONAL SCHOOL LUNCH PROGRAM: TRENDS AND FACTORS AFFECTING STUDENT PARTICIPATION 6-8 (2015), <http://frac.org/>

- pdf/national\_school\_lunch\_report\_2015.pdf.
- 25 See MICHAEL OLLINGER & JOANNE GUTHRIE, U.S. DEP'T OF AGRIC. ECON. RESEARCH SERV., ECONOMIES OF SCALE, THE LUNCH-BREAKFAST RATIO, AND THE COST OF USDA SCHOOL BREAKFASTS AND LUNCHES (2015), <http://www.ers.usda.gov/media/1935405/err-196.pdf>.
- 26 See 7 C.F.R. § 245.2 (2013).
- 27 See 7 C.F.R. § 245.13 (2013).
- 28 See MADELEINE LEVIN & ZOË NEUBERGER, CTR. ON BUDGET & POL'Y PRIORITIES, IMPROVING DIRECT CERTIFICATION WILL HELP MORE LOW-INCOME CHILDREN RECEIVE SCHOOL MEALS (2015), <http://www.cbpp.org/sites/default/files/atoms/files/7-25-14fa.pdf>.
- 29 U.S. DEP'T OF AGRIC., DIRECT CERTIFICATION IN THE NATIONAL SCHOOL LUNCH PROGRAM: STATE IMPLEMENTATION PROGRESS, SCHOOL YEAR 2013–2014 19 (2015), <http://www.fns.usda.gov/sites/default/files/ops/NSLPDirectCertification2014.pdf>.
- 30 42 U.S.C. § 1758 (a)(15).
- 31 The DC-M demonstration represents a departure from other direct certification programs because it certifies students based on participation in a program *and* household income. U.S. DEP'T OF AGRIC., EVALUATIONS OF DEMONSTRATIONS OF NATIONAL SCHOOL LUNCH PROGRAM AND SCHOOL BREAKFAST PROGRAM DIRECT CERTIFICATION OF CHILDREN RECEIVING MEDICAID BENEFITS: YEAR 1 REPORT x (2015), <http://www.fns.usda.gov/sites/default/files/ops/NSLPDirectCertificationMedicaidYr1.pdf>.
- 32 CTR. ON BUDGET & POL'Y PRIORITIES, KEY STEPS TO IMPROVE ACCESS TO FREE AND REDUCED-PRICE SCHOOL MEALS 9 (2012), <http://www.cbpp.org/sites/default/files/atoms/files/9-6-12fa.pdf>.
- 33 U.S. DEP'T OF AGRIC., *supra* note 35, at 21.
- 34 *Community Eligibility Provision*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <http://www.fns.usda.gov/school-meals/community-eligibility-provision> (last visited Dec. 10, 2015).
- 35 U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., COMMUNITY ELIGIBILITY PROVISION: GUIDANCE Q&As – REVISED (2014), <http://www.fns.usda.gov/sites/default/files/cn/SP21-2014v2os.pdf>.
- 36 *Id.*
- 37 *Id.*
- 38 LEVIN & NEUBERGER, *supra* note 32, at 3.
- 39 CTR. ON BUDGET & POL'Y PRIORITIES, *supra* note 36, at 3.
- 40 7 C.F.R. § 245.2 (2013).
- 41 See FOOD RES. & ACTION CTR., SCHOOL BREAKFAST: REACHING MORE CHILDREN, MAKING BREAKFAST BETTER 4 (2014), [http://frac.org/pdf/brief\\_breakfast\\_cnr\\_2015.pdf](http://frac.org/pdf/brief_breakfast_cnr_2015.pdf); CAL. FOOD POL'CY ADVOCATES, 2014-2015 FEDERAL PRIORITIES (2015), [http://cfpa.net/ChildNutrition/ChildNutrition\\_Federal/CFPA-FederalPrioritiesChildNutrition-2014.pdf](http://cfpa.net/ChildNutrition/ChildNutrition_Federal/CFPA-FederalPrioritiesChildNutrition-2014.pdf); FEEDING AM., NOURISHING OUR CHILDREN BEYOND THE SCHOOL DAY 8 (2014), <http://www.feedingamerica.org/take-action/advocate/hunger-issues/nourishing-our-children.pdf>.
- 42 See U.S. GOV'T ACCOUNTABILITY OFF., GAO- 09-584, SCHOOL MEAL PROGRAMS: EXPERIENCES OF THE STATES AND DISTRICTS THAT ELIMINATED REDUCED-PRICE FEES (2009), <http://www.gao.gov/assets/300/292555.pdf>; MD HUNGER SOLUTIONS, GOING FURTHER: ELIMINATION OF REDUCED PRICE BREAKFAST, [http://www.mdhungersolutions.org/pdf/bfast\\_expand\\_goingfurther.pdf](http://www.mdhungersolutions.org/pdf/bfast_expand_goingfurther.pdf).
- 43 See, e.g., Maureen Timlin et al., *Breakfast Eating and Weight Change in a 5-Year Prospective Analysis of Adolescents: Project EAT (Eating Among Teens)*, 121 PEDIATRICS e638, e641 (2008).
- 44 See, e.g., Gail Rampersaud et al., *Breakfast Habits, Nutritional Status, Body Weight, and Academic Performance in children and Adolescents*, 105 J. AM. DIETETIC ASS'N 743, 752-53 (2005).
- 45 *Id.* at 754.
- 46 *Child Nutrition Tables*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <http://www.fns.usda.gov/pd/child-nutrition-tables> (last visited Nov. 6, 2015).
- 47 In a national survey of 1,000 teachers, 3 out of 4 public school teachers reported that students regularly come to school hungry. SHARE OUR STRENGTH, HUNGER IN OUR SCHOOLS: 2015 1, <http://www.hungerinourschools.org/img/NKH-HungerInOurSchoolsReport-2015.pdf>.
- 48 *Id.* at 3.
- 49 *Id.*
- 50 FOOD RES. & ACTION CTR., *supra* note 23, at 4.
- 51 See *Expanding School Breakfast Participation*, FOOD RES. & ACTION CTR., <http://frac.org/federal-foodnutrition-programs/school-breakfast-program/breakfast-in-the-classroom/> (last visited Mar. 19, 2005); FOOD RES. & ACTION CTR., WHY OFFER SCHOOL BREAKFAST FREE TO ALL CHILDREN?, [http://frac.org/wp-content/uploads/2009/09/universal\\_sbp.pdf](http://frac.org/wp-content/uploads/2009/09/universal_sbp.pdf).
- 52 See JUDI BARTFELD ET AL., THE SCHOOL BREAKFAST PROGRAM: PARTICIPATION AND IMPACTS 1 (2009), <http://naldc.nal.usda.gov/naldc/download.xhtml?id=35895&content=PDF>; *Governor Bullock, First Lady Bullock, And Montana No Kid Hungry Campaign To Fight Childhood Hunger In Montana*, OFFICE OF THE MONT. GOVERNOR, <http://governor.mt.gov/Home/BreakfastAfterTheBellMT.aspx>.
- 53 See generally Judi Bartfeld & Myoung Kim, *Participation in the School Breakfast Program: New Evidence from the ECLS-K* 84 SOC. SERV. REV. 541 (2010); LAWRENCE BERNSTEIN ET AL., U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., EVALUATION OF THE SCHOOL BREAKFAST PILOT PROJECT: FINAL REPORT (2004), <http://files.eric.ed.gov/fulltext/ED486532.pdf>; MEGAN LENT, HUNGER TASK FORCE OF MILWAUKEE, PRELIMINARY FINDINGS FROM THE 2006-2007 UNIVERSAL FREE BREAKFAST INITIATIVE IN MILWAUKEE PUBLIC SCHOOLS (2007), <http://www.hungercenter.org/wp-content/uploads/2011/07/Universal-Free-Breakfast-Milwaukee-Lent.pdf>; KAREN WONG, HUNGER TASK FORCE OF MILWAUKEE, EVALUATION OF THE 2005-2006 PROVISION 2 PILOT IN MILWAUKEE PUBLIC SCHOOLS (2006), <http://hungercenter.wpengine.netdna-cdn.com/wp-content/uploads/2011/07/Evaluation-of-Provision-2-Pilot-in-Milwaukee-Wong.pdf>.
- 54 See *Expanding School Breakfast: Talking Points*, U.S. DEP'T OF AGRIC., [http://www.fns.usda.gov/sites/default/files/breakfast\\_talkingpoints.pdf](http://www.fns.usda.gov/sites/default/files/breakfast_talkingpoints.pdf); *School Breakfast Policy*, SHARE OUR STRENGTH, CENTER FOR BEST PRACTICES, <https://bestpractices.nokidhungry.org/school-breakfast/school-breakfast-policy-0>.
- 55 SHARE OUR STRENGTH, START SCHOOL WITH BREAKFAST: A GUIDE TO INCREASING SCHOOL BREAKFAST PARTICIPATION 26 (2011), <http://mt.nokidhungry.org/files/School%20Staff%20Toolkit.pdf>; NAT'L FOOD SERV. MANAGEMENT INST., IN-CLASSROOM BREAKFAST PROGRAMS: BEST PRACTICES 14 (2008), <http://www.nfsmi.org/documentlibraryfiles/pdf/20090624013913.pdf>.
- 56 See 7 C.F.R. § 210.10 (2013).
- 57 *Id.*
- 58 See Juliana Cohen et al., *Impact of the U.S. Department of Agriculture School Meal Standards on Food Selection, Consumption, and Waste*, 48 AM. J. PREVENTIVE MED. 388 (2014), <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3994463/pdf/nihms569417.pdf>; Marlene Schwartz et al., *New School Meal Regulations Increase Fruit Consumption and Do Not Increase Total Plate Waste* 11 CHILDHOOD OBESITY 242 (2015), <http://online.liebertpub.com/doi/pdfplus/10.1089/chi.2015.0019>; Caitlin Merlo et al., *School-Level Practices to Increase Availability of Fruits, Vegetables, and Whole Grains, and Reduce Sodium in School Meals – United States, 2000, 2006, and 2014*, 64 CTRS. FOR DISEASE CONTROL AND PREVENTION: MORBIDITY AND MORTALITY WEEKLY REPORT 905 (2015), <http://www.cdc.gov/mmwr/pdf/wk/mm6433.pdf>.
- 59 Merlo, *supra* note 62.
- 60 *Id.*
- 61 *Id.*
- 62 See Cohen, *supra* note 62; Schwartz, *supra* note 62.

63 Cohen, *supra* note 62, at 391.

64 Schwartz, *supra* note 62, at 244.

65 *Id.* at 245.

66 See Cohen, *supra* note 62; Schwartz, *supra* note 62.

67 See Ogden et al., *Prevalence of childhood and adult obesity in the United States*, 311 J. AM. MED. ASSOC. 806 (2014).

68 *Childhood Obesity Facts*, CTRS. FOR DISEASE CONTROL AND PREVENTION, <http://www.cdc.gov/healthyschools/obesity/facts.htm> (last visited Dec. 8, 2015).

69 Briefel et al., *supra* note 7, at 579-90.

70 Taber et al., *supra* note 10.

71 See Mennella, *supra* note 12; Catherine Forestell and Julie Mennella, *Early Determinants of Fruit and Vegetable Acceptance*, 120 PEDIATRICS 1247–1254 (2007), <http://pediatrics.aappublications.org/content/120/6/1247.full.pdf+html>.

72 U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., *supra* note 2.

73 See POTAMITES & GORDON, *supra* note 10.

74 A recent study found that adolescents from food insecure households were 33% to 44% more likely to be overweight and 1.3 times more likely to be obese. David Holben & Christopher Taylor, *Food Insecurity and its Association with Central Obesity and Other Markers of Metabolic Syndrome Among Persons Aged 12 to 18 in the United States*, 115 J. AM. OSTEOPATHIC ASS'N 536 (2015), <http://www.ncbi.nlm.nih.gov/pubmed/26322932>.

75 Taber et al., *supra* note 10.

76 See Meghan Longacre et al., *School Food Reduces Household Income Disparities in Adolescents' Frequency of Fruit and Vegetable Consumption*, 69 AM. J. PREV. MED. 202 (2014).

77 *School Meal Certification Data*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <http://www.fns.usda.gov/school-meals/school-meal-certification-data> (last visited Nov. 6, 2015).

78 *2015 School Food Poll*, W.K. KELLOGG FNDN., <http://www2.wkff.org/2015schoolfoodpoll/> (last visited Dec. 10, 2015).

79 See, e.g., *Medical Experts Call on Congress to Maintain Healthy School Meal Standards (Transcript)*, U.S. DEP'T OF AGRIC. (Mar. 20, 2015), <http://www.usda.gov/wps/portal/usda/usdahome?contentidonly=true&contentid=2015/03/0072.xml> (last visited Nov. 6, 2015); UNION OF CONCERNED SCIENTISTS, POLICY BRIEF: HEALTHY SCHOOL MEALS, HEALTHY CHILDREN: HOW STRONGER FEDERAL POLICY CAN HELP ADDRESS CHILDHOOD OBESITY (2015), <http://www.ucusa.org/sites/default/files/attach/2015/02/school-meals-policy-brief.pdf>; SOCIETY OF BEHAVIORAL MEDICINE, SOCIETY OF BEHAVIORAL MEDICINE POSITION STATEMENT: RETAIN HEALTHY SCHOOL LUNCH POLICIES (2015), <http://www.sbm.org/UserFiles/file/school-lunch-position-statement.pdf>.

80 KATHERINE RALSTON & CONSTANCE NEWMAN, U.S. DEP'T OF AGRIC. ECON. RESEARCH SERV., *SCHOOL MEALS IN TRANSITION 10* (2015), <http://www.ers.usda.gov/media/1886014/eib143.pdf>.

81 U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., *USDA FOODS: HEALTHY FOODS FOR OUR SCHOOLS 1* (May 2011), [http://www.fns.usda.gov/sites/default/files/8\\_USDAFHCFUS.pdf](http://www.fns.usda.gov/sites/default/files/8_USDAFHCFUS.pdf).

82 See 42 U.S.C. § 1773; 42 U.S.C. § 1766.

83 See Koel Ghosh & Benjamin Senaur, *Adequacy of Federal School Lunch Reimbursement Adjustments*, 24 CHOICES: THE MAGAZINE OF FOOD, FARM, AND RESOURCE ISSUES, no. 3, Sep. 2009, [http://www.choicesmagazine.org/UserFiles/file/article\\_85.pdf](http://www.choicesmagazine.org/UserFiles/file/article_85.pdf).

84 U.S. DEP'T OF AGRIC. ECON. RESEARCH SERV., *THE NATIONAL SCHOOL LUNCH PROGRAM: BACKGROUND, TRENDS, AND ISSUES 2* (2008), [http://www.ers.usda.gov/media/205594/err61\\_1\\_.pdf](http://www.ers.usda.gov/media/205594/err61_1_.pdf).

85 Though average cost represents the mean across all schools, this discrepancy also held true for a significant majority of school food authorities: for 68% of school food authorities, the free lunch reimbursement rate did not cover the full cost of producing the meal. U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., *SCHOOL LUNCH AND BREAKFAST COST STUDY – II vii* (2008), <http://www.fns.usda.gov/sites/default/files/MealCostStudy.pdf>.

86 SCHOOL NUTRITION ASS'N, *HEATS ON: SCHOOL MEALS UNDER FINANCIAL PRESSURE 2* (2008), [http://otrans.3cdn.net/d4c0b0fb947f93b7bc\\_zvm6iy7ep.pdf](http://otrans.3cdn.net/d4c0b0fb947f93b7bc_zvm6iy7ep.pdf).

87 RALSTON & NEWMAN, *supra* note 84, at 2.

88 See generally U.S. GOV'T ACCOUNTABILITY OFF., *supra* note 24; U.S. GOV'T ACCOUNTABILITY OFF., GAO-14-104, *SCHOOL LUNCH: IMPLEMENTING NUTRITION CHANGES WAS CHALLENGING AND CLARIFICATIONS OF OVERSIGHT REQUIREMENTS IS NEEDED* (2014), <http://www.gao.gov/products/GAO-14-104>; U.S. GOV'T ACCOUNTABILITY OFF., GAO-13-708T, *SCHOOL LUNCH: MODIFICATIONS NEEDED TO SOME OF THE NEW NUTRITION STANDARDS* (2013), <http://www.gao.gov/products/GAO-13-708T>.

89 Nutrition Standards in the National School Lunch and Breakfast Programs, 77 Fed. Reg. 4108 (Jan. 26, 2012) (to be codified at 7 C.F.R. pt. 210, 220), <http://www.gpo.gov/fdsys/pkg/FR-2012-01-26/pdf/2012-1010.pdf>.

90 *Id.*

91 U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., *CHILD NUTRITION REAUTHORIZATION 2010: QUESTIONS AND ANSWER RELATED TO THE CERTIFICATION OF COMPLIANCE WITH MEAL REQUIREMENTS FOR THE NATIONAL SCHOOL LUNCH PROGRAM 3-4* (2013), <http://www.fns.usda.gov/sites/default/files/SP31-2012osr3.pdf>.

92 *Id.*

93 CONGRESSIONAL BUDGET OFF., *CHILD NUTRITION PROGRAMS: SPENDING AND POLICY OPTIONS 25* (2015), <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/reports/50737-ChildNutrition.pdf>.

94 *Id.*

95 Ross Hammond & Ruth Levin, *The Economic Impact of Obesity in the United States*, 3 J. OF DIABETES, METABOLIC SYNDROME, & OBESITY: TARGETS & THERAPY 285, 287 (2010).

96 See HARVARD FOOD LAW & POLICY CLINIC, *FARM TO SCHOOL IN MISSISSIPPI: A STEP-BY-STEP GUIDE TO PURCHASING MISSISSIPPI PRODUCTS 1* (2012), <http://www.chlpi.org/wp-content/uploads/2013/12/MSPurchasingGuide-9-28-final.pdf>.

97 See McAleese and Rankin, *Garden-Based Nutrition Education Affects Fruit and Vegetable Consumption in Sixth-Grade Adolescents*, 107 J. AM. DIET. ASSOC. 662 (2007); Jennifer Morris & Sheri Zidenberg-Cherr, *Garden-Enhanced Nutrition Curriculum Improves Fourth-Grade School Children's Knowledge of Nutrition and Preferences for Some Vegetables*, 102 J. AM. DIET. ASSOC. 91 (2002); Parmer et al., *School Gardens: An Experiential Learning Approach for a Nutrition Education Program to Increase Fruit and Vegetable Knowledge, Preference, and Consumption among Second-grade Students*, 41 J. NUTRITION EDUCATION & BEHAVIOR 212 (2009); Jennifer Morris et al., *First-Grade Gardeners More Likely to Taste Vegetables*, 55 CALIFORNIA AGRICULTURE 43 (2001).

98 See Amy Dirks & Kathryn Orvis, *An Evaluation of the Junior Master Gardener Program in Third Grade Classrooms*, 15 HORTTECHNOLOGY 443 (2005); T.M. Waliczek et al., *The Effect of School Gardens on Children's Interpersonal Relationships and Attitudes Toward School*, 11 HORTTECHNOLOGY 466 (2001); NAT'L FARM TO SCHOOL NETWORK, *FARM TO SCHOOL PROGRAM EVALUATION: SPRINGFIELD SCHOOL DISTRICT, OR*, <http://www.farmtoschool.org/Resources/UNC-Springfield.pdf>.

99 See HARVARD FOOD LAW & POLICY CLINIC, *supra* note 99.

100 See generally UPSTREAM PUBLIC HEALTH, *HEALTH IMPACT ASSESSMENT HB 2800: OREGON FARM TO SCHOOL AND SCHOOL GARDEN POLICY*, [http://www.upstreampublichealth.org/sites/default/files/F2SHIA\\_FINALlow-res\\_0.pdf](http://www.upstreampublichealth.org/sites/default/files/F2SHIA_FINALlow-res_0.pdf); *The Benefits of Farm to School*, NATIONAL FARM TO SCHOOL NETWORK (July 8, 2014), <http://www.farmtoschool.org/Resources/BenefitsFactSheet.pdf>; COMMUNITY FOOD SECURITY COALITION, *STRENGTHENING FARM TO SCHOOL PROGRAMS: A POLICY BRIEF FOR STATE & LOCAL LEGISLATORS* (2013), <http://dgreens.org/wp-content/uploads/2013/05/CFSC-F2S-Policy-Brief.pdf>.

101 *Farm to School Grant Program*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <http://www.fns.usda.gov/farmtoschool/farm-school-grant-program> (last visited Nov. 6, 2015).

102 *March toward #CNR2015 begins: Farm to school bill introduced in Congress*, NATIONAL FARM TO SCHOOL NETWORK (February 25, 2015), <http://www.farmtoschool.org/news-and-articles/cnr2015-farm-to-school-bill-introduced-in-congress>.

- 103 See Farm to School Act of 2015, H. 1061, <https://www.govtrack.us/congress/bills/114/hr1061/text>; Farm to School Act of 2015, S. 569, <https://www.govtrack.us/congress/bills/114/s569>.
- 104 *Id.*
- 105 See *Fact Sheet: Urban School Districts Need Kitchen Upgrades*, THE PEW CHARITABLE TRUSTS (Feb. 20, 2015), <http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2015/02/urban-school-districts-need-kitchen-upgrades>; *Fact Sheet: Rural School Districts Need Kitchen Upgrades*, THE PEW CHARITABLE TRUSTS (Feb. 20, 2015), <http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2015/02/rural-school-districts-need-kitchen-upgrades>; *Fact Sheet: Suburban School Districts Need Kitchen Upgrades*, THE PEW CHARITABLE TRUSTS (Feb. 20, 2015), <http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2015/02/suburban-school-districts-need-kitchen-upgrades>.
- 106 *Id.*; see also Brian Wansink et al., *Pre-Sliced Fruit in School Cafeterias: Children's Selection and Intake*, 44 AM. J. PREVENTATIVE MED. 477, 478-79 (2013) (kitchen equipment also enables schools to prepare healthy foods in ways that are more appealing to students, resulting in increased consumption and decreased waste).
- 107 THE PEW CHARITABLE TRUSTS & ROBERT WOOD JOHNSON FNDN., *SERVING HEALTHY SCHOOL MEALS 2* (2013), <http://www.rwjf.org/content/dam/farm/reports/reports/2013/rwjf409388>.
- 108 THE PEW CHARITABLE TRUSTS, *supra* note 108.
- 109 *Id.*
- 110 *Id.*
- 111 *Id.*
- 112 THE PEW CHARITABLE TRUSTS & ROBERT WOOD JOHNSON FNDN., *supra* note 110, at 9.
- 113 *Id.* at 19.
- 114 Professional Standards for State and Local School Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Kids Act of 2010, 7 C.F.R. §210.30(b)-(d) (2015), <http://www.gpo.gov/fdsys/pkg/FR-2015-03-02/pdf/2015-04234.pdf> at 11094 (last visited June 26, 2015).
- 115 THE PEW CHARITABLE TRUSTS & ROBERT WOOD JOHNSON FNDN., *supra* note 110, at 2.
- 116 See *USDA Awards Grants for New School Food Service Equipment to Help Schools Dish Up Healthy Meals*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV. (April 18, 2014), <http://www.fns.usda.gov/pressrelease/2014/006514> (last visited Nov. 6, 2015); *USDA Awards Grants to Support Schools Serving Healthier Meals and Snacks*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV. (March 6, 2015), <http://www.fns.usda.gov/pressrelease/2015/005815> (last visited Nov. 6, 2015).
- 117 *Team Nutrition: 2015 Training Grant Application*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV. (Oct. 7, 2015), <http://www.fns.usda.gov/tn/2015-training-grant-application> (last visited Nov. 6, 2015).
- 118 See School Food Modernization Act, H.R. 3316, <https://www.congress.gov/bill/114th-congress/house-bill/3316>; School Food Modernization Act, S. 540, <https://www.congress.gov/bill/114th-congress/senate-bill/540>.